

## REMARKS

Applicants appreciate the Examiner's allowance of Claims 10-27 and 80-83.<sup>1</sup> Applicants will now address the Examiner's remaining rejection.

### Double Patenting

In the Office Action, the Examiner rejects Claims 68-71 and 76-79 provisionally under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3-10 of co-pending application no. 09/860,184. This rejection is respectfully traversed.

Initially, Applicants note that application serial no. 09/544,801 has now issued as U.S. Patent no. 6,558,993.<sup>2</sup>

In the Office Action, the Examiner contends that the '184 application claims "gate electrode, gate wiring and channel forming regions where the conductive layers for the gate electrode and gate wiring are made of different materials and where the gate wiring is formed outside the channel forming region."

Applicants have reviewed the '993 patent and do not find these features in the claims of the '993 patent (other than mentioning a gate electrode and a channel region). Further, the '993 patent is directed to method claims for manufacturing a semiconductor device while the claims of the present application are directed to a semiconductor device.

Accordingly, there is no double patenting or obviousness-type double patenting. Therefore, it is respectfully requested that this rejection be withdrawn.

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<sup>1</sup> Applicants have amended Claims 10-12, 16, 20, 23, 25, and 80 to correct some minor informalities in the claims. These amendments are not in response to a patentability rejection nor do they affect the scope of the claims.

<sup>2</sup> Applicants are including herewith an IDS to cite U.S. Patent no. 6,558,993.

Conclusion


It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any fee is due for this amendment, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

Date: February 16, 2005

  
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